IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.896 OF 2005

Mrs.Anjali Dev Kumar
Roy ..Petitioner

Vs.

Shri.Prafull Jain & Ors. ..Respondents

...

Mr.D.Y.Chitnis i/b M/s. Deepak Chitnis-
Chiparikar & Co. for Petitioner
Mr.Rajesh More A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 25,2005

P.C.

1. Heard the learned advocate for the petitioner. None appears for the respondent-original complainant though served.

2. The petitioner is seeking quashing of process issued by the learned Metropolitan Magistrate, 29th Court (now transferred to 6th Court) Mazgaon, Mumbai in C.C.No.1554/S/2005 (Old Case

No.1090/S/1998). In the said case process was issued against the petitioner under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, interim relief granted earlier stands extended for a period of four weeks from today.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]